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7 Chapter 7 Trustee for Eagan Avenatti, LLP

8
9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**

11 In re

12 EAGAN AVENATTI, LLP

13 Debtor

Case No. 8:19-bk-13560-SC

Chapter 7

Adv. No. 8:21-ap-01081-SC

14
15 RICHARD A. MARSHACK, CHAPTER 7
16 TRUSTEE FOR EAGAN AVENATTI, LLP,

17 Plaintiff,

18 v.

19 MICHAEL Q. EAGAN; THE LAW
20 OFFICES OF MICHAEL Q. EAGAN, LLP

21 Defendant.
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**STIPULATION BETWEEN PLAINTIFF
RICHARD A. MARSHACK, CHAPTER 7
TRUSTEE AND DEFENDANTS MICHAEL
Q. EAGAN AND THE LAW OFFICES OF
MICHAEL Q. EAGAN, LLP**

Status Conference Date and Time:

Date: July 12, 2022

Time: 1:30 p.m.

Place: Courtroom 5C

411 W Fourth St.

Santa Ana, CA 92701

1 Plaintiff Richard A. Marshack (the “Trustee”), Chapter 7 Trustee for the estate (“the
2 “Estate”) of Eagan Avenatti, LLP (“EA”) and defendants Michael Q. Eagan (“Mr. Eagan”) and
3 The Law Offices of Michael Q. Eagan, LLP (“LOMQE”) (together, the “LOMQE Parties”; the
4 Trustee and the LOMQE Parties are referred to collectively as the “Parties”) hereby stipulate (the
5 “Stipulation”) and agree to extend the LOMQE Parties’ deadline to respond to the complaint in
6 this Adversary Proceeding. In support of this Stipulation, the Parties state as follows:

7 **RECITALS**

8 1. The Trustee initiated this Adversary Proceeding on September 8, 2021, with the
9 filing of a Complaint for Avoidance and Recovery of Voidable Transfers (the “Complaint”)
10 against the LOMQE Parties.

11 2. On September 8, 2021, the Clerk of Court issued the Summons and Notice of
12 Status Conference in Adversary Proceeding (the “Summons”), which provided a deadline of
13 October 12, 2021, for the LOMQE Parties to respond to the Complaint, and provided notice of a
14 Status Conference scheduled for December 1, 2021, at 11:00 a.m.

15 3. On September 9, 2021, the Trustee served the Summons and Complaint on the
16 LOMQE Parties by first class mail (Adv. Doc 4).

17 4. On September 29, 2021, the Parties filed a Stipulation to extend the deadline for the
18 LOMQE Parties to respond to the Complaint from October 12, 2021, to and including November
19 15, 2021 (Adv. Doc 6). The Court approved that Stipulation by an Order entered September 30,
20 2021 (Adv. Doc 7).

21 5. On November 8, 2021, the Parties filed a Stipulation to extend the deadline for the
22 LOMQE Parties to respond to the Complaint from November 15, 2021, to and including January
23 18, 2022 (Adv. Doc 9). The Court approved that Stipulation by an Order entered the same date
24 (Adv. Doc 10).

25 6. On January 15, 2022, the Parties filed a Stipulation to extend the deadline for the
26 LOMQE Parties to respond to the Complaint from January 18, 2022 (Adv. Doc 10), to and
27 including May 18, 2022 (Adv. Doc 16). The Court approved that Stipulation by an Order entered
28 January 18, 2022 (Adv. Doc 17). The Court also set a Case Status Conference for July 12, 2022, at

1 1:30 p.m.

2 7. The Parties have reached an agreement to mediate this dispute. That mediation is
3 set for June 1, 2022, before the Honorable Meredith Jury, United States Bankruptcy Judge. To
4 facilitate the mediation and a possible settlement, which will be documented by a formal
5 settlement agreement signed by the Parties and requires a noticed motion, which also must be
6 prepared and approved by this Court after notice and hearing, or, if a settlement is not achieved, to
7 give the LOMQE Parties a reasonable opportunity to prepare and file a responsive pleading to the
8 Complaint, the Parties request that the Court extend all applicable deadlines.

9 8. In requesting this extension of time for the LOMQE Parties to respond to the
10 Complaint, the Parties are also considering the (i) upcoming criminal trial of Michael J. Avenatti
11 (“Avenatti”) now set for July 5, 2022 at 8:30 a.m. and (ii) delays that may result from that trial,
12 which may make criminal trial witnesses, who also are important witnesses in the Trustee’s
13 pending asset recovery cases, including this case, such as Ms. Judy Regnier (EA’s former
14 bookkeeper and office manager), Mr. Filippo Marchino and his firm, The X-Law Group (attorneys
15 who worked with Avenatti and EA) who the Trustee believes assisted Avenatti in moving money
16 from EA to others, Mr. Geoffrey Johnson (a former EA client whose settlement funds were
17 allegedly wrongfully diverted by Avenatti), and IRS Criminal Investigation department special
18 agents (with knowledge of Avenatti’s activities and EA’s failure to file tax returns and to pay
19 employee withholding taxes). The Trustee believes that theses witnesses will likely not be
20 available to testify in this adversary proceeding until, at the earliest, the conclusion of the July 5
21 criminal trial.

22 9. For the above-stated reasons, the Parties believe and agree that an extension of time
23 for the LOMQE Parties to respond to the Complaint through and including September 15, 2022, is
24 warranted.

25 **STIPULATION**

26 **NOW, THEREFORE,** the Parties hereby agree and stipulate that, subject to the approval
27 of the Court:

28 1. The LOMQE Parties’ deadline to respond to the Complaint is extended through and

1 including September 15, 2022, or such other date as may be convenient to the
2 Court.

- 3 2. Request the Court to vacate the current Case Status Conference set for July 12,
4 2022, at 1:30 p.m., and set a new Status Conference to a date after September 15,
5 2022, as may be convenient to the Court.
6 3. This Stipulation may be executed in counterparts each of which will constitute an
7 original and all of which together will constitute one and the same agreement.
8 Facsimile or PDF signatures shall be considered original signatures for all
9 purposes.

10 Dated: May 12, 2022

LANDAU LAW LLP

11 By /s/ John P. Reitman

12 John P. Reitman

13 Special Litigation Attorneys for

14 Plaintiff Richard A. Marshack,

15 Chapter 7 Trustee for Eagan Avenatti, LLP
16

17 Dated: May 12, 2022

MICHAEL Q. EAGAN AND THE LAW
18 OFFICES OF MICHAEL Q. EAGAN, LLP

19
20 By 

21 Michael Q. Eagan
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LANDAU LAW LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
LANDAU LAW LLP, 2338 Manning Avenue, Los Angeles, CA 90064.

A true and correct copy of the foregoing document entitled (*specify*): **Stipulation Between Plaintiff Richard A. Marshack, Chapter 7 Trustee and Defendants Michael Q. Eagan and the Law Offices of Michael Q. Eagan, LLP** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **May 13, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Richard A Marshack (TR)** pkraus@marshackhays.com, rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com
- **John P. Reitman** jreitman@landaufirm.com, vrichmond@landaufirm.com;avedrova@landaufirm.com;hrichmond@landaufirm.com
- **Monica Rieder** mrieder@landaufirm.com, vrichmond@landaufirm.com;avedrova@landaufirm.com;hrichmond@landaufirm.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **May 13, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Michael Eagan, Esq.
Law Offices of Michael Q. Eagan, LLP
1 Embarcadero Ctr., Ste. 3600
San Francisco, CA 94111-3705

Law Offices of Michael Q. Eagan, LLP
1 Embarcadero Ctr., Ste. 3600
San Francisco, CA 94111-3705

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 13, 2022
Date

Hannah Richmond
Printed Name

/s/ Hannah Richmond
Signature